

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FINJAN SOFTWARE, LTD., an Israel corporation, )  
Plaintiff, ) Civil Action No. 06-369 GMS  
v. )  
SECURE COMPUTING CORPORATION, )  
a Delaware corporation, CYBERGUARD, )  
CORPORATION, a Delaware corporation, )  
WEBWASHER AG, a German corporation )  
and DOES 1 THROUGH 100, )  
Defendants. )

**FINJAN SOFTWARE, LTD'S 35 U.S.C. § 282 NOTICE**

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Dated: February 1, 2008

Pursuant to the requirements set forth in 35 U.S.C. § 282, Finjan Software, Ltd. (“Finjan”) hereby identifies certain publications, patents, and miscellaneous prior art to be relied upon as showing either anticipation, or the state of the art relating to Secure Computing Corporation’s (“Secure Computing”) U.S. Patent No. 6,357,010 and U.S. Patent No. 7,185,361 (collectively, “Secure Computing’s patents-in-suit”).

In addition, Plaintiff Finjan affirmatively states that it has already provided notice to Defendant Secure Computing, of the identity of certain publications, patents and miscellaneous prior art, within the ambit of § 282, through the pleadings in this case to date, more particularly, through Finjan’s prior responses to plaintiffs’ interrogatories, answers provided in depositions taken by the parties, expert reports Finjan Software has submitted, and Finjan’s opening trial brief, joint proposed pretrial order, and joint proposed jury instructions. Thus, any references included in those documents are incorporated herein.

The following listing of identified publications, patents and miscellaneous prior art, in addition to the above-identified documents, is provided pursuant to the statutory provisions of 35 U.S.C. § 282. The fact of the listing of the following publications, patents, and miscellaneous prior art does not reflect that all, most, or any number of these items will be ultimately used by Finjan in their presentation of evidence at trial. No implication therefore should be taken that reliance upon all of these materials is necessary to any of Finjan’s defenses. Thus, for example, this notice is not a representation by Finjan that the teachings of some number of the listed references must be combined for the Court to determine that Secure Computing’s patents-in-suit are invalid under § 103.

Defendants also reserve the right to amend and/or supplement this notice, at least thirty (30) days before trial, if commencement of trial in this matter is changed from its currently

scheduled date of March 3, 2008. In addition, Finjan reserves the right to amend and/or supplement this notice in the event that additional documents are produced after the filing of this notice.

### **NOTICE**

#### **§ 282 Patents and Publications**

The following are patent references that Finjan may rely on in expert testimony and otherwise at trial:

- (1) Check Point Software Technologies Ltd., "Check Point Firewall-1 Architecture and Administration Version 4.0, Sept. 1998" (1994-1998)
- (2) M. Wahl *et al*, "Lightweight Directory Access Protocol v3," December 1997, *available at* <http://www.rfc-editor.org/rfc/rfc2251.txt> (1997).
- (3) M. Wahl *et al*, "Authentication Methods for LDAP," Internet draft, June 21, 1999, *available at* <http://www3.ietf.org/proceedings/99nov/I-D/draft-ietf-ldapext-authmeth-04.txt> (1998).
- (4) Alistair G. Lowe-Norris, Windows 2000 Active Directory, (O'Reilly 1999), Chapters 2.2, 10, 10.3, 10.5, Overview, *available at* <http://safari.oreilly.com/1565926382>.
- (5) Per Kajser *et al*, "SESAME: The solution to security for open distributed systems," 17(7) Computer Communications 501-518 (July 1994).
- (6) Roland Awischus, "Role-Based Access Control with the Security Administration Manager (SAM)," Role-Based Access Control Workshop 61-68 (1997).
- (7) "Apache HTTP Server V.1.3—Authentication, Authorization, and Access Control," *available at* <http://httpd.apache.org/docs/1.3/howto/auth.html>.
- (8) Sandhu *et al*, "Role-Based Access Control Models," IEEE Computer, Feb. 1996, pp. 38-47.

(9) Johnston *et al*, “Authorization and Attribute Certificates for Widely Distributed Access Control,” IEEE 7th International Workshop on Enabling Technologies: Infrastructure for Collaborative Enterprises (1998)

(10) L. Howard, “RFC 2307-An Approach for Using LDAP as a Network Information Service,” *available at* <http://www.faqs.org/rfcs/rfc2307.html> (1998).

(11) Check Point Software Technologies Ltd., “Check Point Account Management Client Version 1.1 (October 1998)

(12) Check Point Software Technologies Ltd., “Check Point VPN-1/Firewall-1 Reference Guide Version 4.1” (July 1999)

(13) Check Point Software Technologies Ltd., “Check Point User Management Guide—NG FP3” (September 2002)

(14) “LDAP Authentication,” *available at*  
<http://java.sun.com/products/jndi/tutorial/ldap/security/ldap.html>

(15) Check Point Software Technologies Ltd., “Check Point Software Enables Firewall-1 and VPN-1 for Novell’s NDS” (1999), *available at*  
<http://www.checkpoint.com/press/1999/novell032299.html>

(16) Check Point Software Technologies Ltd., “Check Point Firewall-1 Version 4.0 Establishes New Benchmark for Easy Deployment of Virtual Private Networks (1998), *available at*  
<http://www.checkpoint.com/press/1998/version0504.html>

(17) Apache, “Using User Authentication,” *available at*  
<http://www.apacheweek.com/features/userauth> (1996)

**§ 282 Miscellaneous**

The following are miscellaneous prior art that Finjan may rely on in expert testimony and otherwise at trial:

- (1) Check Point Firewall-1 and a typical CP firewall implementation, as disclosed in the Check Point Software Technologies Ltd., "Check Point Firewall-1 Architecture and Administration Version 4.0, Sept. 1998" (1994-1998).
- (2) Check Point Firewall-1 system as disclosed in the Check Point Software Technologies Ltd., "Check Point Firewall-1 Architecture and Administration Version 4.0, Sept. 1998" (1994-1998)

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**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on February 1, 2008, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

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I hereby certify that on February 1, 2008 I have sent by E-mail the foregoing document to the following non-registered participants:

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